



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

October 2, 2017

Jay Hyland, Manager
Division of Environmental Health
Radiation Control Program
286 Water Street, 11 SHS
Augusta, ME 04333-0011

Dear Mr. Hyland:

A periodic meeting with you and your staff was held on July 18, 2017. The purpose of this meeting was to review and discuss the status of the Maine Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by David Lew and me.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions. A Management Review Board (MRB) meeting to discuss the outcome of the periodic meeting has been scheduled for October 17, 2017 from 1:00pm – 4:00pm. Call in information for the MRB will be provided in a separate transmission.

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 (610) 337-5214 or via e-mail at Monica.Ford@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Monica Lynn Ford
Regional State Agreements Officer
Division of Nuclear Materials Safety
U.S. NRC Region I

Enclosure:
Periodic Meeting Summary for Maine

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
MAINE DIVISION OF ENVIRONMENTAL HEALTH
RADIATION CONTROL PROGRAM

DATE OF MEETING: July 18, 2017

Nuclear Regulatory Commission (NRC) Attendees	Maine Division of Environmental Health Attendees
Monica Ford, RSAO, Region I	Jay Hyland, Manager
David Lew, Deputy Regional Administrator, Region I	Tom Hillman, Radioactive Materials Inspector
	Nancy Beardsley, Director (exit only)

DISCUSSION:

The last Integrated Materials Performance Evaluation Program (IMPEP) review of the Maine Agreement State Program (the Program) was held June 16-19, 2015. On September 1, 2015, the Management Review Board (MRB) met to consider the proposed final IMPEP report. The MRB determined that Maine's performance for all indicators reviewed was satisfactory. Additionally, the MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. The MRB agreed with the team's conclusion to close two recommendations and to leave one recommendation open from the 2011 IMPEP review. No new recommendations were made by the team. Based on the results of the IMPEP review the MRB determined that the next full IMPEP review should take place in four years and that a periodic meeting should be held in approximately two years.

A periodic meeting was held with the Program on July 18, 2017. This summary is a reflection of that periodic meeting.

TOPICS COVERED DURING THE MEETING INCLUDED:

Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good. The Program also expressed its appreciation for the NRC supported training classes and for the quarterly webinars offered by the Office of Nuclear Material Safety and Safeguards.

Organization

The Program is located in the Division of Environmental and Community Health under the Department for Health and Human Services. The Department of Health and Human Services is located in the Maine Center for Disease Control.

Program Budget/Funding

The Program is 100 percent fee funded. Maine last increased its fees in 2010 and charges 50 percent of the NRC's fees from fiscal year 2009. The funds are placed into a dedicated fund for the Radiation Control Program. However, two taxes are applied on this fund and that money is placed in the general fund. The first is "stacap," which is a five percent tax that is used to pay for state overhead. The second is "dicap," which is a flat fee charged per full time equivalent (FTE). Dicap money covers Department of Health and Human Services overhead. Currently the dicap is set at \$19,500 per FTE per year. This is an increase from last year which was set at \$12,000 per FTE per year. The Program stated that it can currently absorb the increase; however, it is looking into increasing its fees to cover the dicap increase going forward.

Technical Staffing and Training (2015 IMPEP: Satisfactory)

The Program consists of two technical staff and one program manager. This amounts to 2.4 FTE for the Program. At the time of the June 2015 IMPEP review the Program had no vacancies and there were no vacancies in the Program at the time of the periodic meeting. In March 2016, one staff member left the Program for an opportunity outside of State government. The Program was able to post this position and subsequently hired an individual in January of 2017. The program manager and one of the technical staff are fully qualified license reviewers and inspectors. The other technical staff person is working on completing qualifications to become a fully qualified license reviewer and inspector.

Support for staff training exists in the Program. Maine has been utilizing NRC's training courses to support the qualifications of the technical staff. Additionally, Maine implemented a new training program in 2016 to be equivalent to the NRC's inspection manual chapter (IMC) 1248. The Program is aware of the requirement to obtain 24 hours of refresher training every 24 months and maintains a log for each qualified individual.

Status of the Materials Inspection Program (2015 IMPEP: Satisfactory)

During the 2015 IMPEP review, the team determined that the Program performed 38 Priority 1, 2, 3, and initial inspections during the review period. Of those inspections, 13 Priority 1, 2, and 3 inspections and 4 initial inspections were completed overdue. These inspections were completed overdue due to staff turnover that occurred during the review period. Since the 2015 IMPEP review, the Program has completed 24 Priority 1, 2, 3, and initial inspections. None of these inspections were completed overdue.

The Program's inspection frequencies are the same as the inspection frequencies listed in the NRC's IMC 2800. The Program's licensees are composed largely of Priority 5 licensees and less than half of the licensees fall into the Priority 1, 2, and 3 categories.

The Program has met or exceeded the NRC's requirement of inspecting 20 percent of candidate licensees performing reciprocity each year. In calendar year 2015, the Program conducted six inspections for twelve candidate licensees totaling 50 percent of candidate licensees that were inspected. In calendar year 2016, the Program performed two inspections of ten candidate licensees totaling 20 percent of candidate licensees inspected. As of the date of the periodic

meeting for calendar year 2017, the Program had performed four inspections of eleven candidate licensees totaling 36 percent of candidate licensees inspected.

Technical Quality of Inspections (2015 IMPEP: Satisfactory)

Inspection guidance used by the Program is equivalent to the NRC's Inspection Manual Chapters and Inspection Procedures. The Program uses form HHE 891, which is similar to the NRC's form 591, to document inspection results. This form can be issued in the field for inspections with no violations. Inspection findings are routinely sent to licensees within 30 days of the completion of an inspection. Supervisory accompaniments of all qualified staff have been completed for calendar years 2015, 2016, and 2017.

Technical Quality of Licensing Actions (2015 IMPEP: Satisfactory)

The Program currently has approximately 103 specific licenses. The Program uses the NRC's licensing guidance, the NUREG 1556 series, to process licensing actions. Qualified technical staff have signature authority for all types of licensing actions. All completed licensing actions undergo a peer or managerial review before being signed and issued. The Program has completed 111 licensing actions since the IMPEP review. At the time of the periodic meeting there was no backlog of licensing actions in the Program. The longest action had been with the Program for approximately six months and was actively being worked on.

Technical Quality of Incidents and Allegations (2015 IMPEP: Satisfactory)

The Program is aware of the need to effectively respond to incidents and allegations. When notified of an incident, the radioactive materials staff in the Program are assigned to investigate and document the incident and determine if the event requires a call to the NRC Headquarters Operations Center. The Program has had three reportable events since the 2015 IMPEP review. All reportable events have been reported to the NRC accordingly. All Program staff are aware of event reporting criteria.

Since the last IMPEP review, the Program has received no allegations. Procedures pertaining to receipt and handling of allegations are available for the staff should they receive an allegation. The Program stated that when they do receive an allegation they are able to protect the alleged's identity.

Compatibility Requirements (2015 IMPEP: Satisfactory)

The Program is designated as the State's radiation control agency. No legislation affecting the Program was passed since the last IMPEP review and the Program's regulations are not subject to sunset requirements.

The Maine Regulations for Control of Radiation, found in Maine Administrative Rules 10-144A CMR 220, apply to all ionizing radiation. Maine requires a license for possession and use of all radioactive material, including naturally occurring materials, and accelerator produced radionuclides. The regulation adoption process can take between six months and one year if everything goes efficiently.

At the time of the periodic meeting, there were five NRC amendments overdue for adoption. Additionally, it was noted by the May 2011 IMPEP team that the final published rules submitted for NRC review in March 2010 generated 22 NRC comments. The 2011 IMPEP team made a recommendation based on this finding and this recommendation was held open as a result of the 2015 IMPEP review.

Recommendation: The team recommends that the State expedite action to address the comments identified in the NRC letters dated August 31, 2006 and June 18, 2010, to promulgate and complete changes to the State regulations. (open from 2011 IMPEP review)

Status: The Program has drafted rule changes to address the NRC's comments from letters dated August 31, 2006 and June 18, 2010. These rule changes will also address the five NRC amendments that are overdue for adoption. The Program hopes to be able to submit final regulations to the NRC for review by the end of October 2017.

Sealed Source and Device (SS&D) Evaluation Program (2015 IMPEP: Satisfactory)

There are three active SS&D registry sheets in the State of Maine. Maine, per their agreement with the NRC, has authority for the evaluation of radiation safety information on sealed sources and devices containing radioactive material. However, due to the size of the program, Maine does not have staff qualified to perform SS&D reviews. The program manager stated that the New England States have signed the New England Radiological Health Compact so the Program is able to utilize expertise in another State to help perform the SS&D review and approval. The Program uses experienced staff in Massachusetts and New Hampshire to perform the SS&D reviews. The Program plans to work on qualifying technical staff as time allows so that they will be able to perform SS&D reviews in the future.

Current State Initiatives

- Maine participated in an exercise with Canada for the Point Lepreau nuclear generating station located in New Brunswick. This CANDU reactor is located 27 miles from Maine's border. Maine mentioned that they were unable to use RASCAL to perform dose calculations as their version did not recognize points outside of the United States. Additionally, the Program recognized that they were unfamiliar with the CANDU reactor and plans to obtain additional training on the system to support its emergency response role.

Emerging Technologies

- None

Large, Complicated, or Unusual Authorizations

- None

State's Mechanisms to Evaluate Performance

The Program stated that, at this time, it does not have a specific mechanism in place to evaluate performance. In the past the Program has used many different things to evaluate performance, one example being the IMPEP questionnaire. The Program is currently redoing its strategic plan and reevaluating what performance measures are applicable to the strategic plan. The Program plans to keep the IMPEP metrics in its performance measures and additionally plans to add other items such as tracking of time based requirements for license amendments and renewals.

Current NRC Initiatives

NRC staff presented information on several initiatives ongoing at the NRC. These included:

- Updates to the Agreement State Policy Statement
- Government Accountability Office Materials Licensing Audit and Investigation
- Category 3 Source Security and Accountability Working Group
- Agreement State training
- Changing licensing renewals from 10 to 15 years
- Implementation of the revised Risk Significant Radioactive Materials checklist and guidance

CONCLUSIONS:

NRC staff recommends that the Maine Agreement State Program's next IMPEP review be conducted as scheduled in June 2019.