



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 26, 2004

Jay Hyland, P.E., Manager  
Division of Health Engineering  
Radiation Control Program  
11 State House Station  
Augusta, ME 04333

SUBJECT: PERIODIC MANAGEMENT MEETING SUMMARY

Dear Mr. Hyland:

A periodic meeting with the Maine Division of Health Engineering was held on October 7, 2004. The purpose of the meeting was to review and discuss the status of the Maine Agreement State program. The NRC was represented by Aaron McCraw from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the Division's actions taken to increase fees for the materials program and the status of the materials inspection program.

I have completed and enclosed a general meeting summary, included 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 discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at [adw@nrc.gov](mailto:adw@nrc.gov) to discuss your concerns.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Duncan White".

Duncan White, CHP  
Regional State Agreements Officer  
Division of Nuclear Materials Safety

Enclosure: As stated

cc:

R. Bores, RI  
S. Minnick, RI  
A. McCraw, STP

J. Hyland  
Maine Radiation Control Program

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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MAINE RADIATION CONTROL PROGRAM

DATE OF MEETING: OCTOBER 7, 2004

### ATTENDEES:

Duncan White, RSAO

Aaron McCraw, ASPO (by phone)

Jay Hyland, Program Director

Shawn Seeley, Radioactive Materials Inspection and Licensing

Wayne Malloch, Radioactive Materials Inspection and Licensing

### DISCUSSION:

There were no recommendations from the last Integrated Materials Performance Evaluation Program (IMPEP) review of the Maine program that occurred October 29 - November 1, 2002.

Maine's Radioactive Materials program has been solely funded on licensee fees for the last ten years. The Program Director indicated that the fees for the Radioactive Materials Program are currently not meeting the program's costs. The overall Radiation Control Program is currently funded adequately and the deficit in the Radioactive Materials program has not resulted in any curtailment in operations. The program tried to raise fees last year, but upper management in the Department turned down the request. The Program Manager indicated that this year there is new Department management supportive of an increase in fees. The Program is currently working to submit a change in regulations to increase the fees to approximately 38 to 40% of the NRC fees that will go into effect May 2005.

The Program indicated that its strength continues to be its stable and experienced staff (currently at 2.0 FTE plus administrative support). The Maine program continues to provide assistance to other New England States but most specifically the New Hampshire program through the review of certain licensing actions and accompanying and mentoring New Hampshire inspectors. The Maine staff also recognized the continued good working relationship between the Regional State Agreements Officers in the Region and the Office of State and Tribal Programs staff. The recent coordination between Region I, OI and the State for the investigation of a portable gauge service licensee (John Myers) was also noted. Finally, the Program Director indicated that the NRC should reconsider its position not to fund training for Agreement State staff.

The Maine staff discussed the impact of the Maine Yankee decommissioning on the program. The ongoing activities at the site and the State's continuing interest have resulted in the Radioactive Materials staff participating at various stages of the decommissioning. This involvement will continue over the next several months as the final status survey activities are scheduled to begin. The use of resources at Maine Yankee has resulted in some inspections not getting completed. Currently, the program has three core inspections overdue. These include an academic broad scope, a medical institution and a service licensee that is located out-of-state and works in the State infrequently. These inspections have been scheduled for completion by the end of 2004. The Program Director indicated that the program has had contact with all three licensees and expects no performance issues due to their good inspection histories.

There was additional discussion on other potential resource impacts on the Radioactive Materials program. Over the last two years, the program has started to cross-train the LLRW coordinator (Tom Hillman) by sending him to a number of NRC courses and accompanying one of the two experienced inspectors on gauge inspections. With the LLRW coordinator position due to sunset in June 2006, the Program's plan was to get this individual qualified in time to transfer into Radioactive Materials. Cross training activities are now on hold since Mr. Hillman has been deployed to the Middle East on military duty till the end of 2005. The Program also indicated that it has benefitted from Mr. Seeley's participation as an IMPEP team member over the years, but expressed the need to NRC staff for the participation of new Agreement State members in order that Mr. Seeley does not have to participate on two reviews per year. Finally, the State's initiative on homeland security has resulted in the Radioactive Material staff being certified by the Department of Homeland Security for the training of state and local emergency responders on potential radiological threats. Two individuals in the Program (Hyland and Malloch) have "L" security clearances for access to the Portsmouth Naval Shipyard.

The balance of the Radioactive Materials section's core activities is being conducted timely and is up-to-date. The licensing backlog is typically at less than 10 actions with most amendments completed in a few weeks and renewals completed in one to two months. The State has not seen any licensing requests for emerging technologies or large or unusual authorizations of byproduct radioactive materials. The State's current challenges in licensing at this time are requests for a cyclotron and PET-CT.

The State currently has no overdue regulations. The Program Director indicated that the Program plans to continue the registration of all generally licensed devices in the State. The State currently has approximately 30 general licensees.

The Division will be relocated to Water Street in Augusta by the end of 2004. This will serve to consolidate all the Bureau of Health at one location.

No allegations were referred to the State since the last IMPEP review. The NRC staff noted that the State information for events in the Nuclear Materials Events Database is current.

The Division does not have any formal mechanism to evaluate performance. Since all licensing and inspection is tracked on databases and spreadsheets, the Program Director periodically reviews the status of the Radioactive Materials Program. Due to the small size of the Program, the Program Director is kept up-to-date on all the activities of the Radioactive Materials staff.

NRC staff described the current status of NRC's security initiatives involving material licensees; the status for the consolidation of the Region I and II materials programs; management changes at the Region and headquarters; and the status of National Materials Programs pilots.

The next IMPEP review for the Maine program is scheduled for FY 2007. NRC staff did not identify any performance issues necessitating a change in the current schedule.

## CONCLUSION

**Issue:** The Program currently has three overdue core inspections resulting from commitments outside the routine materials program activities.

**Action:** The RSAO will contact the Program Director in December 2004 to confirm that the three overdue inspections have been inspected.