January 4, 2007

MEMORANDUM TO: Management Review Board Members:

Martin J. Virgilio, DEDMRT
George Pangburn, FSME
Edward Williamson, OGC
Thomas P. Gwynn, Region IV

FROM: Kim Karcagi, Scientist ***/RA/***
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Program

SUBJECT: MINUTES: DECEMBER 18, 2006, MAINE MRB MEETING

Enclosed are the minutes of the Management Review Board (MRB) meeting held on December 18, 2006. If you have comments or questions, please contact me at (301) 415-6701.

Enclosure:
As stated

cc: Jared Thompson, OAS Liaison, AR
Jay Hyland, ME

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DATE	1/4/07		1/4/07			

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF DECEMBER 18, 2006

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

Martin Virgilio, MRB Chair, OEDO
Edward Williamson, MRB Member, OGC
Aaron McCraw, FSME/DMSSA
William Rautzen, Team Member, FSME/DMSSA
George Pangburn, MRB Member, FSME
Janet Schlueter, FSME
Andrea Kock, OEDO
Kim Karcagi, FSME/DMSSA

By Videoconference:

Duncan White, Team Leader, Region I
Linda McLean, Region IV
Thomas P. Gwynn, Region IV

By Tele-conference:

Jared Thompson, OAS Liaison, AR
Jay Hyland, ME
Clough Toppan, ME
Shawn Seeley, ME
Wayne Malloch, ME
Pamela Bishop, Team Member, OK

1. **Convention**. Mr. Aaron McCraw convened the meeting at 2:05 p.m. He noted that this Management Review Board (MRB) meeting was open to the public. However, no members of the public attended this meeting. He then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.

2. **Maine IMPEP Review**. Mr. Duncan White, team leader, led the presentation of the Maine Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and noted the findings. He noted that there were no recommendations made during the 2002 IMPEP review. The on-site review was conducted by an interoffice team during the period of October 10-13, 2006. The review team's general approach for conduct of this review consisted of: (1) examination of Maine's response to the questionnaire; (2) review of applicable Maine statutes and regulations; (3) analysis of quantitative information from the State's licensing and inspection database; (4) technical review of selected files; (5) two field accompaniments of a Maine inspector; and (6) interviews with staff and management to answer questions or clarify issues. The review team evaluated the information that it gathered against the IMPEP performance criteria for each common and applicable non-common indicator and made a preliminary assessment of the Maine Agreement State Program's (the Program's) performance.

   The review team issued a draft report on November 3, 2006, received Maine's factual comments by e-mail dated December 6, 2006, from Jay Hyland, Program Manager, Radiation Control Program, and submitted a proposed final report to the MRB on December 12, 2006.

   Common Performance Indicators. Mr. William Rautzen presented the findings regarding the common performance indicator, Technical Staffing and Training. His presentation corresponded to Section 3.1 of the proposed final IMPEP report. The

review team found Maine's performance with respect to this indicator to be "satisfactory" and made no recommendations. A short discussion on the Program's funding was held. It was discussed that Maine plans to increase license fees in the upcoming months to make up for the lack of license fee increases over the years. It was discussed that both staff members have attended the NRC Secuirty Systems and Principles Course and the Program Manager intends to complete the course in the near future. The MRB agreed that Maine's performance met the standard for a "satisfactory" rating for this indicator.

Ms. Pamela Bishop presented the findings regarding the common performance indicator, Status of Materials Inspection Program. Her presentation corresponded to Section 3.2 of the proposed final IMPEP report. The review team found Maine's performance with respect to this indicator to be "satisfactory, but needs improvement" and made one recommendation. There was a discussion on the timeliness of inspections. It was noted that 16 percent of the inspections conducted during the review period were overdue due to the following factors: problems with maintaining and updating the inspection and licensing tracking databases; staff needs redirected to other priorities; and an extended absence of one staff member. The review team recommended that the State evaluate current and future staffing needs and business processes to develop and implement a strategy that would improve the effectiveness and efficiency of the Program. The State provided updated information to the MRB by indicating that the staff is working on updating their databases to improve their timeliness of inspections. The MRB agreed that Maine's performance met the standard for a "satisfactory, but needs improvement" rating for this indicator.

Ms. Bishop also presented the findings regarding the common performance indicator, Technical Quality of Inspections. Her presentation corresponded to Section 3.3 of the proposed final IMPEP report. The review team found Maine's performance with respect to this indicator to be "satisfactory" and made no recommendations. The MRB agreed that Maine's performance met the standard for a "satisfactory" rating for this indicator.

Mr. White presented the findings regarding the common performance indicator, Technical Quality of Licensing Actions. His presentation corresponded to Section 3.4 of the proposed final IMPEP report. The review team found Maine's performance with respect to this indicator to be "satisfactory" and made no recommendations. The team found that Maine's licensing actions were adequate; however, the team found that the database for tracking the licensing actions was not updated on a routine basis. The matter of their tracking database was addressed by the team in the discussions regarding the common performance indicator, Status of Materials Inspection Program. It was discussed that the review team examined the certification process in place for radiographers, the general licensing registration program, and the issuance of Increased Controls requirements to licensees. There was a discussion on the issue that the State registers more generally licensed devices than what the NRC requires for registration. This issue is an ongoing issue and is currently being addressed by the NRC. The MRB agreed that Maine's performance met the standard for a "satisfactory" rating for this indicator.

Mr. White also presented the findings regarding the common performance indicator, Technical Quality of Incident and Allegation Activities. Mr. White's presentation corresponded to Section 3.5 of the proposed final IMPEP report. The review team

found Maine's performance with respect to this indicator to be "satisfactory" and made no recommendations. The review team discussed that a large majority of the incidents that the State responds to are trash alarms. It was discussed that the State does not have a requirement in place to respond to trash alarms and currently, the Conference of Radiation Control Programs Directors has an effort underway that is considering establishing a threshold limit for trash alarms. It was noted by an MRB participant that the State's responses to trash alarms seem to be impacting the timeliness of their routine inspections. The responses to and close coordination with the NRC regarding the State's one allegation was found to be adequate. The MRB agreed that Maine's performance met the standard for a "satisfactory" rating for this indicator.

Non-Common Performance Indicators. Mr. Rautzen presented the findings regarding the non-common performance indicator, Compatibility Requirements. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. The review team found Maine's performance to be "satisfactory" and made no recommendations. At the time of the review, there were no overdue amendments. Updated information was presented to the MRB regarding five amendments to regulations that would need to be addressed in the future. The following regulation amendment, which should be included in an upcoming rulemaking, is now considered overdue: "Financial Assurance for Materials Licensees," 10 CFR Part 30, 40, and 70 amendments (68 FR 57327), that became effective December 3, 2003. This amendment was due for Agreement State implementation by December 3, 2006. The MRB agreed that Maine's performance met the standard for a "satisfactory" rating for this indicator.

MRB Consultation/Comments on Issuance of Report. Mr. White concluded, based on the discussion and direction of the MRB, that the Maine program was rated "satisfactory, but needs improvement," for the indicator, Status of Materials Inspection Program, and "satisfactory" for all remaining performance indicators reviewed. The review team made one recommendation regarding the performance of the Maine Agreement State Program. Accordingly, the review team recommended that the Maine Agreement State Program be found adequate to protect public health and safety and compatible with NRC's program and that the next full IMPEP review take place in approximately 4 years. The MRB agreed with the review team's recommendations and findings.

Comments. Mr. Jay Hyland thanked the MRB and the review team for their good work and professionalism. He provided his support for the IMPEP process. He also provided additional comments and recommendations. One area that Mr. Hyland addressed was the topic of generally licensed devices. Mr. Jared Thompson and Ms. Bishop agreed with the State in supporting the IMPEP process. Ms. Bishop also commended the State for their ability to do a great deal of good work with few resources. Mr. Virgilio proceeded to thank the State and the review team for their cooperation and good work.

3. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.

4. **Good Practices.** No good practices were identified during this review.

5. **Adjournment.** The meeting was adjourned at approximately 3:05 p.m.