

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

DATE OF MEETING: October 29, 2008

ATTENDEES:

NRC

Monica Orendi, Health Physicist, FSME
James Kottan, RSAO, Region I

Maine DHHS

Jay Hyland, Manager, Radiation Control Program
Shawn Seeley, Health Physicist
Wayne Malloch, Health Physicist

DISCUSSION:

Previous IMPEP Review

In October 2006, the Integrated Materials Performance Evaluation Program (IMPEP) review team found the Maine Agreement State Program's (the Program) performance to be satisfactory for all common and non-common performance indicators with the exception of the Status of Materials Inspection Program indicator. This indicator was found to be satisfactory but needs improvement with one recommendation. On December 18, 2006, the Management Review Board (MRB) met to consider the IMPEP review team's proposed findings regarding the Program. The MRB found the Program adequate to protect public health and safety and compatible with the NRC's program. Accordingly, the MRB determined that the next full review of the Program should take place in 4 years and that a periodic meeting should take place in October 2008.

The status of the State's actions to address the open recommendation follows:

The review team recommends that the State evaluate current and future staffing needs and business processes to develop and implement a strategy that improves the effectiveness and efficiency of the Program and ensures its continued adequacy and compatibility. (Section 3.2 of the 2006 IMPEP Report)

Status: The Program is in the process of developing a new database for management of the Program. A contractor has been hired to develop the new database, but the contract has not yet been competed. The Program is analyzing alternatives to having the contractor complete the database, such as having State employees complete the work. No decision has been made regarding the path forward to complete the new database.

This recommendation remains open and should be evaluated at the next IMPEP review.

Organization

The Program is administered by the Radiation Control Program within the Division of Environmental Health in the Maine Center for Disease Control (the Center) of the DHHS. There have been no changes to the Program's organization since the previous IMPEP.

There are six functional areas within the Radiation Control Program: Low Level Waste, Radioactive Materials, X-ray, Radon, Office of Nuclear Safety, and Tanning. The Radioactive Materials functional area makes up the Program. The Program administers 126 licenses.

Agreement State Program Staffing

A well-trained, stable, and experienced staff is the strength of the Program. The staff is the same as that seen during the last IMPEP review. Mr. Hyland stated that funding, which is fee based, is not adequate for the current organization and the Program. The last increase in fees occurred in 1997. Since that time the Program has attempted to increase fees twice, but both attempts were unsuccessful. The Program's budget has been supplemented with other funds available to the Radiation Control Program within the Center. Another fee increase request is due to be submitted shortly.

Training

Support for staff training exists in the Program. Maine welcomed the NRC's revised policy on funding training for Agreement States. Program staff has attended NRC and other training courses, including the NRC's Security Systems and Principles Course. Maine noted that other activities that are not specifically training, such as participation on IMPEP teams and attendance at meetings, also provide valuable opportunities for knowledge sharing.

Pending cuts in the State budget may result in travel restrictions for Program staff, including restrictions on out-of-state travel. This restriction may apply even to travel for NRC-funded training and meetings.

Inspections

Maine's inspection frequencies are at least as frequent as NRC's. No inspections were overdue with respect to NRC inspection priorities. The Program maintains a database of inspections due for management of the inspection program. As mentioned under the status of open recommendations, the Program is in the process of creating a new database to better manage the inspection program.

The Program maintains a sufficient number and variety of calibrated radiological survey instrumentation for use during inspections. Additionally, the Program has access to the State radioanalytical laboratory for sample analyses.

Licensing

The Program had no licensing actions that were pending for greater than one year. The program receives approximately two to three new license applications per year and approximately two to three terminations per year. New licenses are now hand-delivered in response to the requirement for "pre-licensing" visits and/or "pre-licensing" visits are conducted.

Regulations

The Program submitted 11 proposed regulations to the NRC during the October 29, 2008 periodic meeting. These regulations are currently undergoing a compatibility review by NRC staff.

NRC staff identified the following four overdue regulations:

- “Financial Assurance for Materials Licensees,” 10 CFR 30, 40, and 70 amendments (68 FR 57327), that became effective on December 3, 2003.
- “Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments,” 10 CFR 71 amendments (69 FR 3698), that became effective on October 1, 2004.
- “Medical Use of Byproduct Material - Recognition of Specialty Boards,” 10 CFR 35 amendments (70 FR 16336; 71 FR 1926) that became effective April 29, 2005.
- “Security Requirements for Portable Gauges Containing Byproduct Material,” 10 CFR 30 amendments (70 FR 2001) that became effective July 11, 2005.

The four identified overdue regulations are part of the proposed regulation package that was submitted by Maine to the NRC for review.

NRC staff identified the following regulation changes and adoptions that will be needed in the future:

- “National Source Tracking System,” 10 CFR Part 20 amendment (71 FR 65865, 72 FR 59162) that is due for State adoption by January 31, 2009.
- “Minor Amendments – 10 CFR Parts 20, 30, 32, 35, 40 and 70,” 10 CFR amendments (71 FR 15005) that are due for State adoption by March 27, 2009.
- “Medical Use of Byproduct Material – Minor Corrections and Clarifications,” 10 CFR Parts 32 and 35 amendments (72 FR 45147, 72 FR 54207) that are due for State adoption by October 29, 2010.
- “Requirements for Expanded Definition of Byproduct Material,” 10 CFR Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendments (72 FR 55864) that are due for State adoption by November 30, 2010.
- “Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements,” 10 CFR Parts 30, 31, 32 and 150 amendments (72 FR 58473) that are due for State adoption by December 17, 2010.

- “Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendments (72 FR 68043) that are due for State adoption by February 15, 2011.

Recent legislation in the State legislature assigned responsibility for the Maine Yankee site to the Radiation Control Program. Additionally, the Program manager noted that discussions have occurred within State government about moving the Program from DHHS to the Department of Environmental Protection.

Security

The current security climate and potential future security measures were discussed in detail, particularly regarding fingerprinting and security of self-shielded irradiators. The Program is aware of relevant security issues.

Incidents/Allegations

Program staff communicates reportable incidents to the NRC Operations Center and Region I. One of the Health Physicists is responsible for the input of incident information into the Nuclear Materials Events Database (NMED), as incidents occur. Since the last IMPEP review in October 2006, seven events were reported to NMED. Of these seven events, six were reportable and the remaining event was informational.

There were no allegations referred to the Program since the last IMPEP. The Program had no open allegations at the time of the review.

Feedback on the NRC's Program

The Program noted that the FSME organization seems to change frequently. The Program stated that they felt the Regional State Agreements Officers were accessible and available. The Program commented that the overall relationship with the NRC is good, and the Program commended Commissioner attendance at the Conference of Radiation Control Program Directors and Organization of Agreement States Annual Meetings. Additionally, the Program appreciates the NRC funding of training. However, the Program would like the NRC to require State attendance at meetings such as OAS and CRCPD as this would help Program staff justify their out-of-state travel requests.

Action Items Resulting From the Meeting

None.

CONCLUSIONS:

The overall performance of the Program continues to be good. The Program staff is experienced, well trained, and remains stable. Although fee-based funding does not provide an adequate financial base for the Program, due to the inability to raise fees over the past 11 years, adequate funding for the Program has been available through funds from within the Center.

NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2010 (tentatively October 2010).