

August 9, 2011

MEMORANDUM TO: Michael F. Weber  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs  
Office of the Executive Director for Operations

Bradley W. Jones, Assistant General Counsel  
for Reactor and Materials Rulemaking  
Office of the General Counsel

Cynthia A. Carpenter, Acting Director  
Office of Federal and State Materials  
and Environmental Management Programs

Cynthia Pederson, Deputy Regional Administrator  
Region III

FROM: Michelle Beardsley, Health Physicist */RA K. N. Meyer for/*  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

SUBJECT: MINUTES: JULY 21, 2011 MAINE  
MANAGEMENT REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on July 21, 2011. If you have comments or questions, please contact me at (610) 337-6942.

Enclosure: Cover Page and Minutes of the  
Management Review Board Meeting

cc w/encl.: Sheila Pinette, D.O., Director  
Maine Center for Disease Control  
and Prevention

Robert Gallagher, Commonwealth of Massachusetts  
Organization of Agreement States  
Liaison to the MRB

Management Review Board Members

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<b>DATE</b>	08/09/11	

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JULY 21, 2011

The attendees were as follows:

In person at U.S. Nuclear Regulatory Commission (NRC) Headquarters in Rockville, Maryland:

Michael Weber, MRB Chair, DEDMRT  
Bradley Jones, MRB Member, OGC  
Duncan White, FSME  
Andy Imboden, OEDO

Cynthia Carpenter, MRB Member, FSME  
Joseph DeCicco, Team Leader, FSME  
Karen Meyer, FSME

By videoconference:

Cindy Pederson, MRB Member, Region III  
Ray Lorson, Region I

Monica Orendi, Region I  
Michelle Beardsley, FSME

By telephone:

Robert Gallagher, MRB Member, MA  
Jay Highland, Maine

Dwight Shearer, Team Member, PA

- 1. Convention.** Ms. Michelle Beardsley convened the meeting at 2:00 p.m. (ET). She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. Ms. Beardsley then transferred the lead to Mr. Michael Weber, Chair of the MRB. Introductions of the attendees were conducted.
- 2. Maine IMPEP Review.** Mr. Joseph DeCicco, Team Leader, led the presentation of the Maine Integrated Materials Performance Evaluation Program (IMPEP) review results to the MRB. He summarized the review and the team's findings for the seven indicators reviewed. The on-site review was conducted by a review team composed of technical staff members from NRC and the Commonwealth of Pennsylvania during the period of May 2-6, 2011. Prior to the onsite review, the team conducted one inspection accompaniment. A draft report was issued to State for factual comment on June 2, 2011. The State responded to the review team's findings by letter dated June 28, 2011. The last IMPEP review for Maine was conducted in October 2006. From the 2006 review, the State was found adequate and compatible with one performance indicator, *Status of Materials Inspection Program*, found satisfactory, but needs improvement, and one recommendation was made concerning staffing and the need to develop business processes to improve the effectiveness and efficiency of the Program.

**Common Performance Indicators.** Mr. DeCicco 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. Mr. DeCicco summarized that the Bureau's staffing is allocated two technical staff who report to the Program Manager, but that the Program currently has one full-time qualified inspector/license reviewer. The second inspector/license reviewer position had been posted, however a State-wide hiring freeze went into effect before the position could be filled. Mr. Hyland reported that they are in the process of cross-training an individual who is currently the Low-Level Waste Coordinator. The MRB questioned as to the

closing of the recommendation made during the last IMPEP review because it appeared that the Program was still experiencing staffing issues. Mr. DeCicco stated that the second part of the recommendation had been addressed and that the team opened a new recommendation addressing the staffing issue. The MRB requested that the final report include clarification regarding this in Section 2.0. The report was revised as follows:

Current Status: The review team found that during the time period covered by this review, the staffing issue had been resolved; however another vacancy occurred late in the review period which the Program is currently addressing. The team found that the second part of the recommendation regarding business process development had been addressed as evidenced by the improvement in the status of inspections. The Program has created and utilized a database of license activities. From this database, the Program can track inspection frequencies, which allowed them to improve their inspection efficiency. The review team made a new recommendation regarding the current staffing vacancy (Section 3.1) but found that the issues creating this recommendation have been addressed, and therefore closed it.

The MRB expressed concern with only having one individual currently on staff and asked Mr. Hyland as to the Program's backup plan in case this individual left or could no longer perform their duties. Mr. Hyland stated that the Program struggles with this issue constantly and that he hopes to have the Low Level Waste Coordinator trained shortly. Mr. DeCicco stated that the review team concluded that the Program's training program is adequate to carry out its regulatory duties and noted that Program management is supportive of staff training opportunities. The review team found Maine's performance with respect to this indicator to be "satisfactory" and made one recommendation. The MRB disagreed that Maine's performance met the criteria in M.D. 5.6 for a "satisfactory" rating and directed that the State be found "satisfactory, but needs improvement" for this indicator.

Mr. Dwight Shearer presented the findings regarding the common performance indicator, *Status of Materials Inspection Program*. His presentation corresponded to Section 3.2 of the proposed final IMPEP report. He stated that inspection frequencies for all types of licenses had been performed more frequently than NRC; however, due to the staff shortage, the Program had readjusted their inspection priorities to those specified in Inspection Manual Chapter 2800. He reported that overall, the State performed 5 percent of its Priority 1, 2 and 3 inspections overdue. 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 criteria for a "satisfactory" rating for this indicator.

Mr. Dwight Shearer presented the findings regarding the common performance indicator, *Technical Quality of Inspections*. His presentation corresponded to Section 3.3 of the proposed final IMPEP report. He reported that the team found that inspection reports adequately supported violations, recommendations made to licensees and unresolved safety issues. The MRB questioned why the team had only performed one inspector accompaniment. Mr. DeCicco stated that since this was the only inspector, and that the

inspection covered a variety of licensed activities, this was reasonable and within the parameters of SA 102. Mr. Shearer stated that the team found that the Program was not performing annual supervisory accompaniments, and made a recommendation for the Program to perform annual supervisory accompaniments. The review team found Maine's performance with respect to this indicator to be "satisfactory" and made one recommendation. The MRB agreed that Maine's performance met the criteria for a "satisfactory" rating for this indicator.

Mr. DeCicco 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. He stated that overall, licensing actions were found thorough, complete, consistent, and of high quality. He noted that the status of all licensing actions is tracked on a database which is updated on a routine basis. 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 criteria for a "satisfactory" rating for this indicator.

Mr. DeCicco presented the findings regarding the common performance indicator, *Technical Quality of Incident and Allegation Activities*. His presentation corresponded to Section 3.5 of the proposed final IMPEP report. He noted that the review team found that the Program's response to incidents was commensurate with the health and safety significance of the event. 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 criteria for a "satisfactory" rating for this indicator.

- 3. Non-Common Performance Indicators.** Mr. DeCicco presented the findings regarding the non-common performance indicator, *Compatibility Requirements*. His presentation corresponded to Section 4.1 of the proposed final IMPEP report. He reported that, during the review period, 13 NRC amendments were addressed and adopted in two rule packages that were issued in November 2009 and May 2010. At the time of the review, there were no overdue NRC amendments. However, it was noted that the final published rules submitted for NRC review in March 2010 generated 22 NRC comments. The MRB questioned the significance of NRC's comments. Mr. DeCicco stated that they were primarily minor in nature. The MRB requested that the report be revised to provide this clarification. The report was revised to read, "These NRC comments list minor issues and editorial corrections from nine amendments that need to be addressed to have the Maine State regulations completely meet the established compatibility and health and safety categories. The review team made one recommendation for the State to expedite action to address the comments identified in NRC letters dated August 31, 2006, and June 18, 2010, to promulgate and complete changes to the State regulations. The review team found Maine's performance with respect to this indicator to be "satisfactory" and made one recommendation. The MRB agreed that Maine's performance met the criteria for a "satisfactory" rating for this indicator.
- 4. MRB Consultation/Comments on Issuance of Report.** The MRB found the Maine Agreement State Program "adequate to protect public health and safety" and "compatible with NRC's program." Based on the results of the current IMPEP review,

the MRB agreed that the next IMPEP review of the Maine Agreement State Program should take place in approximately 4 years.

5. **Precedents/Lessons Learned.** The MRB established no new precedents during this meeting.
6. **Adjournment.** The meeting was adjourned at approximately 3:15 p.m. (ET)