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

December 21, 1999

Jay Hyland, Manager  
Radiation Control Program  
Division of Health Engineering  
10 State House Station  
Augusta, ME 04333

Dear Mr. Hyland:

A periodic meeting with Maine was held on December 7, 1999. The purpose of the meeting was to review and discuss the status of Maine's Agreement State program. The NRC was represented by Thomas O'Brien from the NRC's Office of State Programs and me. Specific topics and issues of importance discussed at the meeting included the addition of new staff and the decommissioning of the Maine Yankee reactor facility.

I have completed and enclosed a general meeting summary, including 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 e-mail at [adw@nrc.gov](mailto:adw@nrc.gov) to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Duncan White  
State Agreements Officer  
Division of Nuclear Materials Safety

Enclosure: As stated

cc: R. Bores, RI  
T. O'Brien, OSP

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PDR STPRG MAINE

J. Hyland  
Maine Division of Health Engineering

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OFFICE	DNMS/RI	N	OSP				
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## AGREEMENT STATE PERIODIC MEETING SUMMARY FOR MAINE

DATE OF MEETING: December 7, 1999

ATTENDEES:	<u>NRC</u> Duncan White Tom O'Brien (by telephone)	<u>STATE</u> Jay Hyland Shawn Seeley Wayne Malloch
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### DISCUSSION:

The proposed status for each of the recommendations and suggestions in Section 5.0 of the 1998 Maine final IMPEP report is summarized below (number corresponding to those in the draft final IMPEP report). A copy of Section 5.0 of the revised final IMPEP report is attached for reference.

1. The State indicated that they have attempted to keep up with core inspections due to the need to train a new inspector. Only two core inspections were overdue by less than one month when they were completed. It is recommended that this item be closed at the next IMPEP review.
2. Since the last IMPEP review, the State issued two new licenses. Both were inspected within six months of issuance. It is recommended that this item be closed at the next IMPEP review.
3. The State has improved its documentation of individual incidents by maintaining all information in a separate file for each event. Incidents are currently not entered in the program's database, but once the new database is on-line, the program intends to enter them. None of the incidents since the last IMPEP review were reportable to NMED. NRC staff indicated that incidents should be reported to NRC on a monthly basis in accordance with OSP Procedure SA-300 in order to meet a satisfactory finding for the indicator, Response to Incidents and Allegations. The importance of providing information to close out the events was also stressed. It is recommended that this item be verified at the next IMPEP review.
4. The program has requested that the State Attorney General Office review this matter and provide guidance. No reply has yet been received. It is recommended that this item remain open.
5. The State recently amended their regulations to incorporate a number of NRC amendments. OSP was provided copies of the draft and final regulations for review. It is recommended that this item be closed at the next IMPEP review. The State will review the RATS Data Sheet attached to the NRC's November 24, 1999 letter to determine if the NRC has accurately noted all amendments to Maine's regulations.

With regards to the suggestions in the 1998 report, the State indicated that inspection reports receive appropriate supervisory review and that the program has added a new materials inspector (Wayne Malloch) in October 1998. Mr. Malloch has accompanied the program's senior inspector (Shawn Seeley) on more than 30 inspections and is close to completing his training to independently conduct inspections of any type of radioactive material program.

NRC staff discussed the status of a number of current OSP activities, including the NRC response to the Congressional letter concerning Tennessee's approval of an amendment to the MSC license, Working Groups on Sealed Source & Device (SSD) IMPEP performance criteria and National Materials Program, and plans to hire a new staff member due to the increased workload of new and incoming Agreement State.

The State discussed their recent difficulties with the NRC's General License (GL) database, particularly tracking down recipients of GL devices and the type and quantities of GL devices currently in their possession or once in their possession. They are finding problems with improper transfers and use of intermediate distributors by manufacturers. Consequently, Maine is considering a registration program for GL to gain control of these devices.

The State also discussed its current activities related to the decommissioning with Maine Yankee (MY) facility. Program staff indicated that a petition by Friends of the Coast to Maine state legislators could result in two pieces of legislature being introduced next year. One would lower the decommissioning criteria to 10 mrem per year and the second one would give the State more on-site access to oversee the decommissioning of reactors. The program staff also discussed their concerns with MY's proposal to solidify waste on-site with concrete (i.e., "rubblization"). The State may view this process as a form of waste processing. The final MY topic discussed was the recent suspension (December 3, 1999) of low level radioactive waste (LLRW) shipments to the Barnwell site by the State of South Carolina. Program staff indicated that subsequent conversations between Maine, South Carolina and MY would result in lifting of the suspension as soon as the conditions in the December 3, 1999 letter are met.

With regard to the status of the Philip Elmet decommissioning, the State indicated that the data analysis is complete, but they are waiting for the D&D code update. The State is considering issuing a storage-only license for the facility (the facility is currently licensed for other materials operations) and has scheduled a meeting to discuss this matter with the licensee.

Since the last IMPEP review, the State has hired two additional staff to fill the vacant materials inspector position (Wayne Malloch) and the LLRW Coordinator position (Tom Hillman). Mr. Hillman was hired in April 1999 to replace Dale Randall who transferred to another program position involving MY. The program has future plans to use the LLRW coordinator to provide assistance in the areas of materials licensing and inspection. The program is currently working on adding a position to their Radon program. As a result of the additional inspector, the program director is no longer performing inspections and limits his activities to program management, review of inspection reports and some licensing to backup the senior inspector/reviewer (Shawn Seeley).

Program staff indicated that there have been no added responsibilities to the program or reorganization with the Department that impacts the radiation program. In August 1998, the program increased their materials fees by 20-25% and as a result, the program expects an additional \$50K to \$75K to their dedicated revenue fund. The program is also increasing x-ray fees and as mentioned early, considering a GL registration program. These increases in fees will offset the loss of \$100K to the program budget due to the decommissioning of MY. The program also receives federal grants related to implement MQSA and Indoor Radon. Consequently, the total program budget has not changed. The current materials budget is approximately \$122K.

The NRC referred one allegation to the State since the last IMPEP. The NRC staff discussed the State's follow-up with program staff and had no concerns or comments regarding the State's handling of this matter.

The next periodic meeting will be scheduled for early 2001. The next IMPEP review is scheduled for fiscal year 2002.

ATTACHMENT 1

MAINE  
RECOMMENDATIONS AND SUGGESTIONS FROM 1998 IMPEP REPORT

RECOMMENDATIONS:

1. The review team recommends that the State perform routine inspections at required frequencies (Section 3.1)
2. The review team recommends that initial inspections of licensees be performed within six months of license issuance or within six months of the licensee's receipt of material and commencement of operations, consistent with IMC 2800. (Section 3.1)
3. The review team recommends that the program consistently document and perform appropriate follow-up of all incidents. (Section 3.5)
4. The review team recommends that the program's procedures be reviewed and updated for handling allegations and other privacy information to reflect Department of Health policy or State laws specific to Maine (Section 3.5)
5. The review team recommends that the State expedite promulgation of compatibility-related regulations. (Section 4.1.2)

SUGGESTIONS:

1. The review team suggests that the RCP management consider continuing supervisory review of inspection reports. (Section 3.2)
2. The review team suggests that the State evaluate staffing needs to ensure its long-term ability to address regulations and timely completions of inspections. (Section 3.3)