

January 19, 2007

W. Clough Toppan, MS, PE  
Division of Environmental Health  
11 State House Station  
286 Water Street, 3rd Floor  
Augusta, ME 04333

Dear Mr. Toppan:

On December 18, 2006, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Maine Agreement State Program. The MRB found the Maine Agreement State Program adequate to protect public health and safety and compatible with the U.S. Nuclear Regulatory Commission's program.

Section 5.0, page 10, of the enclosed final report contains a summary of the IMPEP review team's findings and recommendation. We request your evaluation and response to the recommendations within 30 days from receipt of this letter.

Based on the results of the current IMPEP review, the next full review of the Maine Agreement State Program will take place in approximately 4 years, with a periodic meeting tentatively scheduled for October 2008.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State Program and the excellence in program administration demonstrated by your staff, as reflected in the review team's findings. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

*/RA/*

Martin J. Virgilio  
Deputy Executive Director for Materials, Waste,  
Research, State, Tribal, and Compliance Programs  
Office of the Executive Director for Operations

Enclosure: Maine Final IMPEP Report

cc: Jay Hyland, Manager  
Maine Radiation Control Program

Jared Thompson, Arkansas  
Organization of Agreement States  
Liaison to the MRB

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
REVIEW OF MAINE AGREEMENT STATE PROGRAM

October 10 - 13, 2006

**FINAL REPORT**

U.S. Nuclear Regulatory Commission

**ENCLOSURE**

## 1.0 INTRODUCTION

This report presents the results of the review of the Maine Agreement State Program. The review was conducted during the period of October 10-13, 2006, by a review team comprised of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Oklahoma. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of Final General Statement of Policy," published in the Federal Register on October 16, 1997, and the February 26, 2004, NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)." Preliminary results of the review, which covered the period of November 2, 2002, to October 13, 2006, were discussed with Maine management on the last day of the review.

A draft of this report was issued to Maine for factual comment on November 3, 2006. The State responded by e-mail on December 6, 2006, from Jay Hyland, Program Manager, Radiation Control Program (the Program). The Management Review Board (MRB) met on December 18, 2006, to consider the proposed final report. The MRB found the Maine Agreement State Program adequate to protect public health and safety and compatible with NRC's program.

The Maine Agreement State Program is administered by the Program, which is located within the Division of Environmental Health (the Division). The Division is part of the Center for Disease Control and Prevention (the Center). The Director of the Center reports to the Commissioner for the Department of Health and Human Services (the Department). Organization charts of the Department, Center, and Program are included in Appendix B. At the time of the review, the Maine Agreement State Program regulated 128 specific licenses authorizing Agreement materials. The review focused on the materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Maine.

In preparation for the review, a questionnaire addressing the common and non-common performance indicators was sent to the Program on August 8, 2006. The Program provided its response to the questionnaire on September 27, 2006. A copy of the questionnaire response may be found in the NRC's Agencywide Documents Access and Management System (ADAMS) using the Accession Number ML062990008.

The review team's general approach for conduct of this review consisted of: (1) examination of the Program's response to the questionnaire; (2) review of applicable Maine statutes and regulations; (3) analysis of quantitative information from the Program's databases; (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 gathered against the established criteria for each common and applicable non-common performance indicator and made a preliminary assessment of the Agreement State program's performance.

Section 2.0 of this report discusses the Program's actions in response to recommendations made during the previous review. Results of the current review for the IMPEP common performance indicators are presented in Section 3.0. Section 4.0 discusses results of the applicable non-common performance indicators, and Section 5.0 summarizes the review team's findings and recommendations. The recommendations made by the review team are comments

that relate directly to program performance by the State. A response is requested from the State to all recommendations in the final report.

## 2.0 STATUS OF ITEMS IDENTIFIED IN PREVIOUS REVIEWS

During the previous IMPEP review, which concluded on November 1, 2002, no recommendations were made by the review team.

## 3.0 COMMON PERFORMANCE INDICATORS

IMPEP identifies five common performance indicators to be used in reviewing NRC Regional and Agreement State programs. These indicators include: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

### 3.1 Technical Staffing and Training

Issues central to the evaluation of this indicator include the Program's staffing level and staff turnover, as well as the technical qualifications and training histories of the staff. To evaluate these issues, the review team examined the Program's questionnaire response relative to this indicator; interviewed Program management and staff; and reviewed job descriptions, training plans, and training records. The review team also considered any possible workload backlogs in evaluating this indicator.

Program staffing was unchanged over the review period and consequently, the Program benefitted from the experienced personnel. The Program has two technical staff who report to the Program Manager. Both staff members are fully qualified inspectors and license reviewers. There is also one individual (currently serving in the military) who is also being cross trained in the Program. This individual is currently the Low-Level Waste Coordinator and recently assigned to decommissioning activities at Maine Yankee. In addition, the Program has a Nuclear Safety Inspector assigned to the Maine Yankee activities, two X-ray staff members, and two individuals assigned to the radon program. The Program currently has no vacant positions.

The Program Manager is supportive of staff training opportunities, as well as staff participation in various Federal and State working groups. Both staff in the radioactive materials program attended the NRC Security Systems and Principles course, one in September 2005 and one in October 2005. The Program Manager will attend the NRC Security Systems and Principles Course in the near future.

The review team noted that the Program had stable funding during the review period due to dedicated revenue from licensee fees; however, the Program has not had an increase in fees for over 10 years. The Program Manager noted that the three previous requests for fee increases were denied. A fourth request, to be made in the coming months, may be more successful due to the monetary shortfall in the Program.

The Program has a documented training plan that is consistent with the guidance in the NRC/Organization of Agreement States Training Working Group Report and NRC's Inspection Manual Chapter (IMC) 1246. They also have on-the-job training to supplement the course work,

so that individuals may broaden their work areas. The staff are well-trained and well-qualified from an education and experience standpoint. All have Bachelor's degrees in the sciences, and the Program Manager is a Professional Engineer. Inspector requirements include NRC training courses, when available, or equivalents.

The Advisory Committee on Radiation of the State of Maine, as constituted under the law, acts only in an advisory role to the Program. Meetings of the committee are on an as needed basis.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Technical Staffing and Training, was satisfactory.

### 3.2 Status of Materials Inspection Program

The review team focused on five factors while reviewing this indicator: inspection frequency, overdue inspections, initial inspections of new licenses, timely dispatch of inspection findings to licensees, and performance of reciprocity inspections. The review team's evaluation was based on the Program's questionnaire response relative to this indicator, data gathered from the Program's databases, examination of completed inspection casework, and interviews with management and staff.

The review team verified that the Program's inspection priorities for various types of licenses are generally the same as those listed in IMC 2800. There are some categories of licenses that were assigned inspection priority codes that prescribe a more frequent inspection schedule than those currently prescribed in IMC 2800.

The review team determined that, during the review period, the Program conducted 8 of 38 Priority 1, 2, and 3 inspections overdue by more than 25 percent of the inspection frequency listed in IMC 2800. Thirteen initial inspections were performed during the review period, one of which was conducted overdue. There were two overdue Priority 3 inspections which had not been inspected at the time of the review. Overall, 16 percent of the inspections conducted by the Program during the review period were overdue (9 late inspections out of 51).

There were a number of factors identified by the review team that contributed to the number of overdue inspections. These included problems with maintaining and updating the databases used for tracking inspections and licensing actions; the redeployment of one or both of the radioactive materials staff to higher priority activities during the review period that included Maine Yankee decommissioning activities and responding to a large number of waste alarms; and the extended absence of one staff member due to illness. The information gaps created by not maintaining the database or not entering data for periods of time proved to reduce the effectiveness of the database as a tool to manage the status of inspections. The small size of the Program also created difficulties in completing routine Agreement State activities when individuals were either assigned to other work or absent. 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.

The review team evaluated the Program's timeliness in providing inspection findings to licensees. The review team determined that, during the review period, the large majority of inspection findings were communicated to the licenses in less than 30 days.

During the review period, the Program granted 39 reciprocity permits, 17 of which were candidate licensees based upon the criteria in IMC 1220. The review team determined that the Program met and/or exceeded NRC's criteria of inspecting 20 percent of candidate licensees operating under reciprocity in each of the 4 years covered by the review period.

The review team determined that with respect to Commission Staff Requirements Memorandum (SRM) for COMSECY-05-0028, on Increased Controls, the Program has planned for the initial set of inspections of these licensees in accordance with the Increased Controls requirements. The review team evaluated the Program's prioritization methodology and found it acceptable. Two of six Increased Controls inspections had been completed at the time of the review. The Program plans to have the remaining four inspections completed by April 2007.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Status of Materials Inspection Program, was satisfactory, but needs improvement.

### 3.3 Technical Quality of Inspections

The review team evaluated the inspection reports, enforcement documentation, inspection field notes and interviewed inspectors for 15 radioactive materials inspections conducted during the review period. The casework reviewed included inspections conducted by both Program inspectors, and covered inspections of various license types, including: medical broad scope, medical institutions requiring written directives, medical private practice, fixed and portable gauges, industrial radiography, academic broad scope, nuclear pharmacy, and research and development. Appendix C lists the inspection casework files reviewed, with case-specific comments, as well as the results of the inspector accompaniments.

Based on the evaluation of casework, the review team noted that inspections covered all aspects of licensed radiation programs. The review team found that inspection reports were generally thorough, complete, consistent, and of high quality, with sufficient documentation to ensure that licensees' performance with respect to health and safety was acceptable. The documentation supported violations, recommendations made to licensees, unresolved safety issues, and discussions held with licensees during exit interviews.

The inspection procedures utilized by the Program are generally consistent with the inspection guidance outlined in IMC 2800. An inspection report is completed by the inspector which is then reviewed and signed by the Program Manager. Supervisory accompaniments are generally being conducted annually for all inspectors.

The review team determined that the inspection findings were appropriate and prompt regulatory actions were taken, as necessary. All inspection findings are clearly stated and documented in the report, and sent to the licensee with the appropriate form or letter detailing the results of the inspection. The Program issues the licensee either a form equivalent to NRC Form 591 or a Notice of Violation (NOV) in letter format detailing the results of the inspection. The Program identifies their equivalent NRC Form 591M as Maine Form HHE-891. When the

Program issues a NOV in letter format, the licensee is required by the Program to provide, within 30 days, a written plan of correction for the violations cited. All findings are reviewed by the Program Manager.

The review team noted that the Program has an adequate supply of survey instruments to support the current inspection program. Appropriate, calibrated survey instrumentation such as Geiger-Mueller (GM) meters, scintillation detectors, ion chambers, a neutron detector and micro-R meters were observed to be available. The instruments are calibrated at least annually by a commercial calibration service. The Program has a portable multi-channel analyzer and has access to the Health and Environmental Testing Laboratory which is part of the Center.

Accompaniments of an inspector were conducted by an IMPEP team member on June 10, 2004, and September 8, 2006. The inspector was accompanied during a health and safety inspection of a medical broad scope and an Increased Controls inspection of a self-shielded irradiator. The accompaniments are identified in Appendix C. During the accompaniments, the inspector demonstrated appropriate inspection techniques, knowledge of the regulations, and conducted performance-based inspections. The inspector was trained, well-prepared for the inspection, and thorough in the audits of the licensees' radiation safety and Increased Controls programs. The inspector conducted interviews with appropriate licensee personnel, observed licensed operations, conducted confirmatory measurements, and utilized good health physics practices. The inspections were adequate to assess radiological health and safety and Increased Controls at the licensed facilities.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Technical Quality of Inspections, was satisfactory.

### 3.4 Technical Quality of Licensing Actions

The review team examined completed licensing casework and interviewed license reviewers for 19 specific licenses. Licensing actions were reviewed for completeness, consistency, proper radioisotopes and quantities, qualifications of authorized users, adequate facilities and equipment, adherence to good health physics practices, financial assurance, operating and emergency procedures, appropriateness of the license conditions, Increased Controls and overall technical quality. The casework was also reviewed for timeliness, use of appropriate deficiency letters and cover letters, reference to appropriate regulations, product certifications, supporting documentation, consideration of enforcement history, pre-licensing visits, supervisory review as indicated, and proper signatures. The casework was checked for retention of necessary documents and supporting data.

The licensing casework was selected to provide a representative sample of licensing actions completed during the review period. Licensing actions selected for evaluation included four new licenses, five renewals, eight amendments, and two terminations. The sampling included the following types of licenses: medical (institution - written directive required, private practice - no written directive, and high dose rate remote afterloader), industrial radiography, manufacturing, portable and fixed gauges, academic broad scope, research and development broad scope, self-shielded irradiator, service and a nuclear pharmacy. A listing of the licensing casework evaluated, with case-specific comments, may be found in Appendix D.

The review team found that the licensing actions were thorough, complete, consistent, and of high quality with health, safety, and security issues properly addressed. Licenses are issued for a 5-year period under a timely renewal system. License tie-down conditions were stated clearly, backed by information contained in the file, and inspectable. Licenses and correspondence are generated using standardized conditions and formats. The Program utilizes NRC licensing guides (NUREG-1556 series), as appropriate. The licensee's compliance history was taken into account when reviewing all renewal applications and major amendments. Terminated licensing actions are well documented, showing appropriate transfer and survey records.

Licensing actions are assigned to one of two qualified license reviewers along with a priority based on the type of action. Once the reviewer completes the action, the other reviewer performs a secondary review of the action. An internally developed checklist specific to the type of license is completed by the initial reviewer and signed by the secondary reviewer for the licensing actions. The status of all licensing actions are tracked on a database, but the review team found that the database was not updated on a routine basis, sometimes for periods of several months. The lack of current information limits the effectiveness of the database as a management tool for the Program. This matter is discussed in more detail in Section 3.2. Written licensing procedures have been updated as needed. Licenses are signed by one of the two qualified reviewers, or if necessary, the Program Manager.

The Program does not have a backlog of licensing actions. Most amendments are completed within one month of receipt and renewals are typically completed within two months. There is one license renewal that has been pending for more than one year. The fixed gauge licensee has not been responsive to the Program's requests for additional information; consequently, an inspection had been scheduled for later in the year. The review team did not find any safety-significant impact on the licensee's program due to the length of the pending renewal.

Since July 2000, the Program has been certifying radiographers in accordance with Part E of the State's regulations. The Program administers the radiographer certification examination developed by the Texas Department of State Health Services and administered through the Conference of Radiation Control Program Directors, Inc. Certification is valid for 5 years. Through the review of select individual files, the review team determined that the Program only issued identification cards when the individual passed the examination and provided appropriate documentation of 40 hours of formal training and two months of on-the-job training.

The review team reviewed the State's general licensing registration program with Program staff. The Program requires annual registration and submission of an inventory (manufacturer, model number, serial number, isotope and activity) of all generally licensed devices in the State. Changes in inventory or failure to respond to the annual registration request results in a follow up by the Program. Fees are charged to those registrants that possess portable and fixed gauging devices, in-vitro testing and depleted uranium shielding. No fees are charged for static eliminators, electron capture devices, gas chromatographs, or exit signs. The Program maintains databases of generally licensed devices, which is periodically updated.

The review team examined the list of licensees that the Section had determined met the criteria for the Increased Controls per COMSECY-05-0028. The review team determined that the Section had correctly identified the licensees that require Increased Controls based on this criteria, and will continue to issue Increased Controls to any additional licensees, as



appropriate. Each licensee was issued a license amendment requiring Increased Controls in accordance with the time lines established by the Commission in the SRM for COMSECY-05-0028.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Technical Quality of Licensing Actions, was satisfactory.

### 3.5 Technical Quality of Incident and Allegation Activities

In evaluating the effectiveness of the Program's actions in responding to incidents and allegations, the review team examined the Program's response to the questionnaire relative to this indicator, evaluated selected incidents reported for Maine in the Nuclear Material Events Database (NMED) against those contained in the Program's files, and evaluated the casework for seven radioactive materials incidents. A listing of the incident casework examined, with case-specific comments, is included in Appendix E. The review team also evaluated the Program's response to allegations involving radioactive materials, including an allegation referred to the State by the NRC.

When notified of an incident, one of the two radioactive materials staff in the Program will be assigned to investigate and document the incident and determine if the event requires a call to the NRC Headquarters Operations Center. The senior inspector is responsible for recording the event in the NMED local incident database and transferring updates to the NRC's contractor responsible for maintaining NMED. The incident file is either maintained in the docket file for a specific licensee or a separate file for a general or non-licensee. The Program responded to a total of 139 incidents involving radioactive materials during the review period. Nearly all of the events (132) involved trash alarms. A total of ten incidents were entered into NMED. Three of the incidents required reporting to the NRC. Monthly reports and followup information are submitted electronically by transmitting the appropriate contents of the local Maine NMED database to the NRC's contractor responsible for maintaining NMED. The review team evaluated seven of the incidents, which were required to be reported to the State, including all three incidents that required reporting to the the NRC. The incidents included personnel overexposures, a fire involving radioactive material, a lost and recovered gauge, a medical event, and an equipment failure.

The review team noted that close coordination with the NRC was maintained, and the Program's response to incidents was commensurate with the health and safety significance of the event. Inspectors were dispatched for investigations when appropriate and enforcement actions were taken when necessary. Incident reports were thorough, well-documented and were generally timely. All incident reports were reviewed and signed by the Program Manager.

During the review period, the Program received one allegation involving Agreement material which was referred to the State by the NRC. The review team evaluated the casework for this allegation. The evaluation indicated that prompt and appropriate action was taken in response to the concern raised. The allegation was promptly reviewed and appropriately closed with the allegor. The allegor was informed of the results. There were no performance issues identified from the review of the allegation casework.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, was satisfactory.

#### 4.0 NON-COMMON PERFORMANCE INDICATORS

IMPEP identifies four non-common performance indicators to be used in reviewing Agreement State Programs: (1) Compatibility Requirements; (2) Sealed Source and Device Evaluation Program; (3) Low-Level Radioactive Waste Disposal Program; and (4) Uranium Recovery Program. The first two non-common performance indicators were applicable to this review.

##### 4.1 Compatibility Requirements

###### 4.1.1 Legislation

Maine became an Agreement State on April 1, 1992. The current effective statutory authority for the Program is contained in the Maine Radiation Protection Statutes in 22 MRSA § 661-690. The Radiation Control Program is designated as the State's radiation control agency. The review team noted that no legislation affecting the Program was passed during the review period.

###### 4.1.2 Program Elements Required for Compatibility

The Maine Regulations for Control of Radiation, found in Maine Administrative Rules 10-144A CMR 220, apply to all ionizing radiation. Maine requires a license for possession and use of all radioactive material, including naturally occurring materials, and accelerator-produced radionuclides. Maine also requires registration of all equipment designed to produce x-rays or other ionizing radiation.

The review team examined the State's administrative rulemaking process and found that the process takes approximately four months after filing the draft rule with the Secretary of State. Prior to filing with the Secretary of State, the draft rule is reviewed by Department management, the Attorney General's Office, and the Governor's Office. When an acceptable draft proposed revision to a rule has been prepared, it is sent to the Secretary of State, the public, the NRC, other agencies, and all potentially impacted licensees and registrants for comment. The Secretary of State announces a public meeting/hearing period for the proposed revision to the rule. Comments are considered and incorporated, as appropriate, before the regulations are finalized. After responding to comments, the Program forwards the proposed revision to the rule with the addressed comments to the Commissioner, the Department, and Attorney General's Office for final approval. The Commissioner and the Attorney General sign the final regulations. The State can adopt other agency's regulations by reference and has the authority to issue legally binding requirements (e.g., license conditions) in lieu of regulations until compatible regulations become effective.

The review team evaluated the Program's response to the questionnaire relative to this indicator, reviewed the status of regulations required to be adopted by the State under the Commission's adequacy and compatibility policy, and verified the adoption of regulations with data obtained from the Office of Federal and State Materials and Environmental Management Programs' (FSME) State Regulation Status Sheet.

At the time of the review, there were no overdue NRC amendments; however, since that time, one NRC amendment has become overdue for adoption. The State indicated that the following overdue amendment would be addressed in an upcoming rulemaking:

- "Financial Assurance for Materials Licensees," 10 CFR Part 30, 40, and 70 amendments (68 FR 57327) that became effective on December 3, 2003, and was due for Agreement State adoption by December 3, 2006.

The review team identified the following four NRC amendments that will be needed in the future, and the State indicated that the regulations would be addressed in upcoming rulemakings or by issuance of alternate legally binding requirements:

- "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments," 10 CFR Part 71 amendment (69 FR 3697) that became effective on October 1, 2004, and is due for Agreement State adoption by October 1, 2007.
- "Security Requirements for Portable Gauges Containing Byproduct Material," 10 CFR Part 30 amendment (70 CFR 2001) that became effective on July 11, 2005, and is due for Agreement State adoption by July 11, 2008.
- "Medical Use of Byproduct Materials - Recognition of Specialty Boards," 10 CFR Part 35 amendment (70 FR 16336, 71 FR 1926) that became effective on April 29, 2005, and is due for Agreement State adoption by April 29, 2008.
- "Minor Amendments," 10 CFR Part 20, 30, 32, 35, 40 and 70 amendments (71 FR 15005) that became effective March 27, 2006, and is due for Agreement State adoption by March 27, 2009.

Based on the IMPEP evaluation criteria, the review team recommended and the MRB agreed that Maine's performance with respect to the indicator, Compatibility Requirements, was satisfactory.

#### 4.2 Sealed Source and Device (SS&D) Evaluation Program

During the review period, no SS&D certificates were issued by the Program and there are currently no manufacturers of SS&Ds in the State. The State, however, does not wish to relinquish the authority to regulate SS&D manufacturers in the future. The State has committed to have a program in place prior to performing evaluations and as a member of the New England Radiological Health Committee, the State will also use the technical expertise that the Commonwealth of Massachusetts has in this area. Accordingly, the review team did not review this indicator.

#### 5.0 SUMMARY

As noted in Sections 3.0 and 4.0, Maine's performance was found to be 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 and the MRB agreed that the Maine Agreement State Program is adequate

to protect public health and safety and compatible with NRC's program. Based on the results of the current IMPEP review, the review team recommended and the MRB agreed that the next full IMPEP review take place in approximately 4 years.

Below is the recommendation, as mentioned earlier in the report, for evaluation and implementation, as appropriate, by the State.

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)

## LIST OF APPENDIXES AND ATTACHMENT

Appendix A	IMPEP Review Team Members
Appendix B	Maine Organization Charts
Appendix C	Inspection Casework Reviews
Appendix D	License Casework Reviews
Appendix E	Incident Casework Reviews
Attachment	December 6, 2006, E-mail from Jay Hyland Maine's Response to Draft IMPEP Report

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

<b>Name</b>	<b>Area of Responsibility</b>
Duncan White, Region I	Team Leader Technical Quality of Licensing Technical Quality of Incident and Allegation Activities Inspector Accompaniments
William Rautzen, FSME	Technical Staffing and Training Compatibility Requirements
Pamela Bishop, Oklahoma	Status of Materials Inspection Program Technical Quality of Inspections

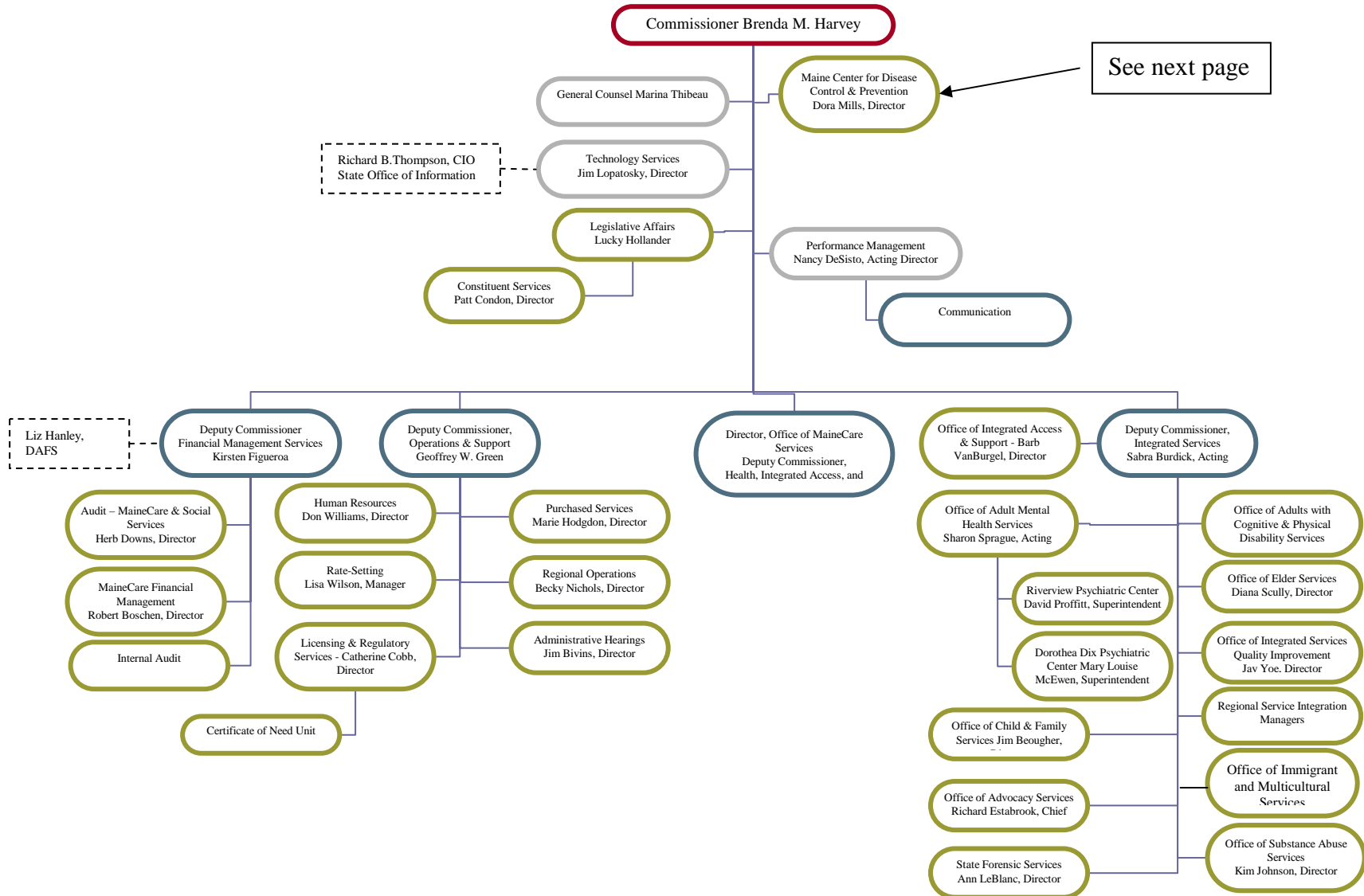
APPENDIX B

MAINE ORGANIZATION CHARTS

ADAMS: ML062990008  
Attachment A

# MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES

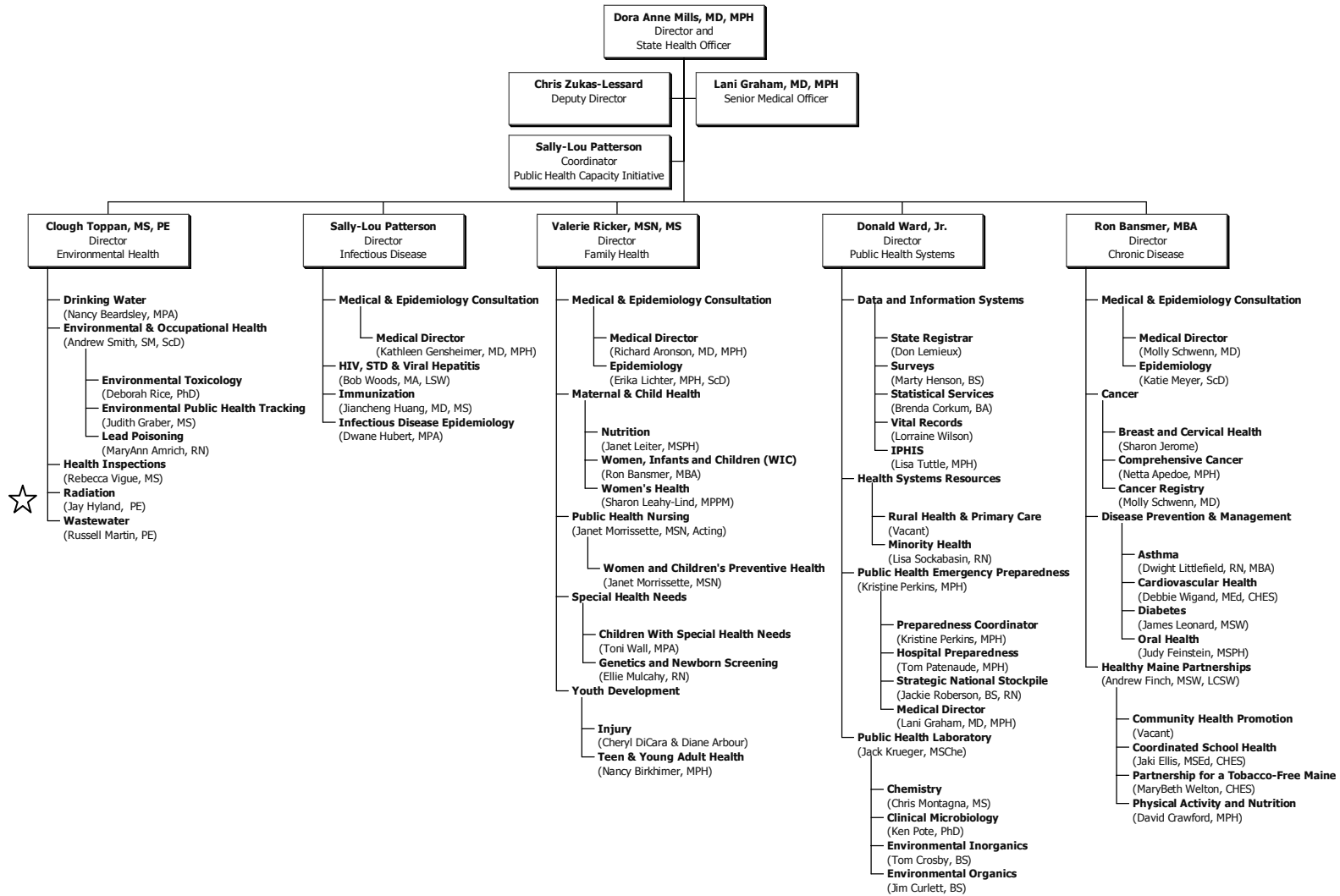
(next level above commissioner is the Governor)



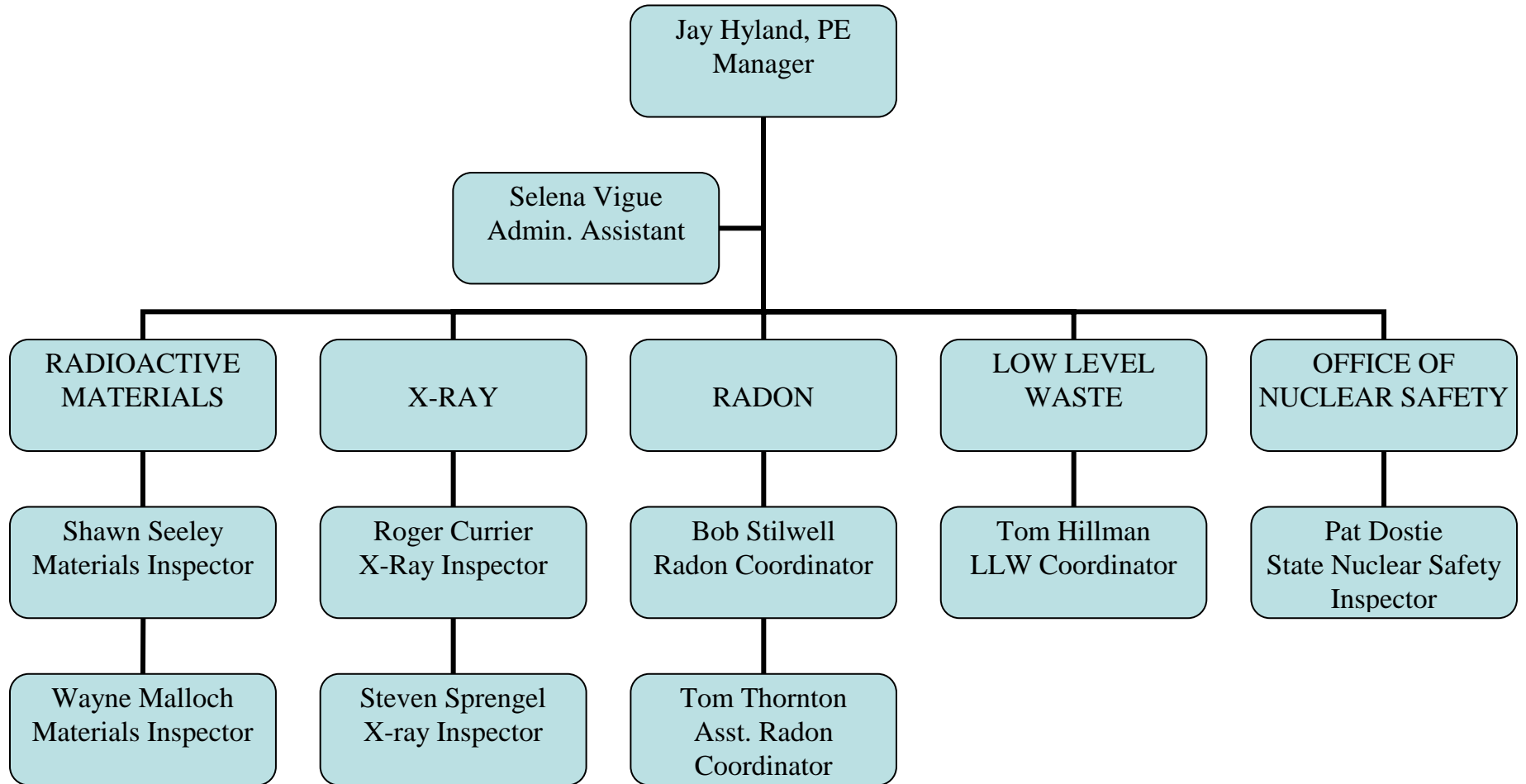


**Maine Center for Disease Control and Prevention  
(Formerly Bureau of Health)**

**January, 2006 – Full Version**



MAINE RADIATION CONTROL PROGRAM



APPENDIX C

INSPECTION CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT ARE INCLUDED FOR COMPLETENESS ONLY.

File No.: 1  
Licensee: Bruce A. Manzer, Inc.  
Inspection Type: Initial, Announced  
Inspection Date: 3/18/04  
License No.: 25205  
Priority: 5  
Inspector: SS

File No.: 2  
Licensee: MidCoast Hospital  
Inspection Type: Routine, Unannounced  
Inspection Date: 2/13/03  
License No.: 23611  
Priority: 3  
Inspector: SS

Comment:  
One cited Severity Level IV violation was issued on Maine Form HHE-891 (equivalent of NRC's Form 591), but the corrective action was not documented.

File No.: 3  
Licensee: Pharm-Corp of Maine  
Inspection Type: Routine, Unannounced  
Inspection Date: 8/10/06  
License No.: 11713-01MD  
Priority: 2  
Inspector: SS

File No.: 4  
Licensee: Maine Medical Center  
Inspection Type: Routine, Unannounced  
Inspection Date: 7/27/06  
License No.: 05611  
Priority: 2  
Inspector: SS

File No.: 5  
Licensee: Mount Desert Island Biological  
Inspection Type: Routine, Unannounced  
Inspection Date: 4/19/05  
License No.: 09623  
Priority: 3  
Inspector: SS

File No.: 6  
Licensee: Bath Iron Works  
Inspection Type: Routine, Unannounced  
Inspection Date: 2/8/05  
License No.: 23209  
Priority: 1  
Inspector: SS

Comment:  
Radiography report form does not provide for documentation of exit meeting attendees and their titles.

File No.: 7

Licensee: Quality Assurance Labs  
Inspection Type: Routine, Unannounced  
Inspection Date: 7/28/04

License No.: 05139  
Priority: 1  
Inspector: SS

Comment:

Radiography report form does not provide for documentation of exit meeting attendees and their titles.

File No.: 8

Licensee: Mayo Regional Hospital  
Inspection Type: Routine, Unannounced  
Inspection Date: 12/16/02

License No.: 21601  
Priority: 3  
Inspector: SS

File No.: 9

Licensee: Redington Fairview Hospital  
Inspection Type: Routine, Unannounced  
Inspection Date: 6/22/04

License No.: 25707  
Priority: 3  
Inspectors: WM

File No.: 10

Licensee: St. Mary's Regional Medical Center  
Inspection Type: Routine, Unannounced  
Inspection Date: 11/18/04

License No.: 01709  
Priority: 3  
Inspector: SS

File No.: 11

Licensee: Maine Molecular Imaging  
Inspection Type: Routine, Unannounced  
Inspection Date: 6/3/02

License No.: 05623  
Priority: 3  
Inspector: SS

File No.: 12

Licensee: Waldo County General Hospital  
Inspection Type: Routine, Unannounced  
Inspection Date: 8/3/05

License No.: 27901  
Priority: 3  
Inspector: SS

File No.: 13

Licensee: TEI Analytical Services  
Inspection Type: Reciprocity  
Inspection Date: 6/20/06

License No.: 37-2804  
Priority: 1  
Inspector: SS

File No.: 14

Licensee: CoPhysics Corporation  
Inspection Type: Reciprocity  
Inspection Date: 6/27/06

License No.: NY 269-3949  
Priority: 5  
Inspector: SS

File No.: 15

Licensee: J. L. Shepherd & Associates  
Inspection Type: Reciprocity  
Inspection Date: 4/19/05

License No.: CA 1777-19  
Priority: 2  
Inspector: SS

### INSPECTOR ACCOMPANIMENTS

The following inspector accompaniments were performed prior to the on-site IMPEP review:

Accompaniment No.: 1

Licensee: Maine Medical Center

Inspection Type: Routine, Unannounced

Inspection Date: 6/10/04

License No.: 05611

Priority: 2

Inspector: SS

Accompaniment No.: 2

Licensee: Nordx

Inspection Type: Special

Inspection Date: 9/8/06

License No.: 05607

Priority: N/A

Inspector: SS

APPENDIX D

LICENSE CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT ARE INCLUDED FOR COMPLETENESS ONLY.

File No.: 1 Licensee: Pharm-Corp of Maine Type of Action: Renewal Date Issued: 8/16/06	License No.: 11713-01MD Amendment No.: 13 License Reviewer: SS
File No.: 2 Licensee: Solidphase, Inc. Type of Action: Renewal Date Issued: 12/12/03	License No.: 05711 Amendment No.: 1 License Reviewer: SS
File No.: 3 Licensee: GE Security, Inc. Type of Action: Renewal Date Issued: 12/12/03	License No.: 25305 Amendment No.: 9 License Reviewer: SS
File No.: 4 Licensee: Elite Inspection Services, Inc. Type of Action: Termination Date Issued: 8/3/06	License No.: 05703 Amendment No.: 3 License Reviewer: SS
File No.: 5 Licensee: Mid Coast Cardiology Type of Action: Renewal Date Issued: 10/4/06	License No.: 05621 Amendment No.: 3 License Reviewer: WM
File No.: 6 Licensee: University of Southern Maine Type of Action: New Date Issued: 7/18/03	License No.: 05807 Amendment No.: N/A License Reviewer: SS
File No.: 7 Licensee: Idaho Nuclear Specialties Type of Action: New Date Issued: 6/27/05	License No.: 15401 Amendment No.: N/A License Reviewer: WM
File No.: 8 Licensee: Eastern Maine Medical Center Type of Action: Amendment Date Issued: 3/27/06	License No.: 19301 Amendment No.: 22 License Reviewer: WM

File No.: 9

Licensee: Bigelow Laboratory for Ocean Sciences

Type of Action: Renewal

Date Issued: 6/16/06

License No.: 15201

Amendment No.: 6

License Reviewer: SS

Comment:

Current financial assurance instrument (surety bond) issued in 2003 incorrectly lists the NRC as holder, not the State of Maine.

File No.: 10

Licensee: Mount Desert Island Biological Laboratory

Type of Action: Amendment

Date Issued: 5/13/04

License No.: 09623

Amendment No.: 3

License Reviewer: SS

File No.: 11

Licensee: University of Maine

Type of Action: Amendment

Date Issued: 3/7/03

License No.: 19827

Amendment No.: 6

License Reviewer: WM

Comment:

Possession limits authorized on license requires financial assurance. Licensee has not submitted Letter of Intent as required by Part C.8.F.(4) of the State's regulations.

File No.: 12

Licensee: National Semiconductor Corporation

Type of Action: Amendment

Date Issued: 11/21/05

License No.: 05637

Amendment No.: 5

License Reviewer: SS

File No.: 13

Licensee: Longview Inspection Inc.

Type of Action: Termination

Date Issued: 7/21/05

License No.: 17501

Amendment No.: 8

License Reviewer: SS

File No.: 14

Licensee: Nordx

Type of Action: Amendment

Date Issued: 11/21/05

License No.: 05607

Amendment No.: 6

License Reviewer: SS

File No.: 15

Licensee: Mount Desert Island Hospital

Type of Action: New

Date Issued: 3/4/05

License No.: 09609

Amendment No.: 19

License Reviewer: WM

File No.: 16

Licensee: John Turner Consulting, Inc.

Type of Action: New

Date Issued: 7/7/03

License No.: 05503

Amendment No.: N/A

License Reviewer: WM

File No.: 17

Licensee: Katahdin Paper Company LLC

Type of Action: Amendment

Date Issued: 4/29/03

License No.: 19401

Amendment No.: 9

License Reviewer: WM

Comments:

- a) Letter dated 4/28/03 referenced in the tie-down condition not in docket file.
- b) Reviewer did not request information needed for transfer of control application as required in NUREG-1556, Volume 4, Appendix C.

File No.: 18

Licensee: Maine Department of Transportation

Type of Action: Amendment

Date Issued: 6/9/03

License No.: 16903

Amendment No.: 5

License Reviewer: SS

File No.: 19

Licensee: The Aroostook Medical Center

Type of Action: Amendment

Date Issued: 10/29/03

License No.: 03803-02

Amendment No.: 6

License Reviewer: SS



APPENDIX E  
INCIDENT CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT ARE INCLUDED FOR COMPLETENESS ONLY.

File No.: 1  
Licensee: Longview Inspection Inc. License No.: 17501  
Date of Incident: 10/01/03 Incident Log No.: ME020046 (NMED 040147)  
Investigation Date: 11/25/03 Type of Incident: Overexposure  
Type of Investigation: Inspection

File No.: 2  
Licensee: Elite Inspection License No.: 05703  
Date of Incident: 12/29/04 Incident Log No.: ME050019  
Investigation Date: 12/30/04 Type of Incident: Fire  
Type of Investigation: Inspection

File No.: 3  
Licensee: Simplex Grinnell License No.: General License  
Date of Incident: 5/27/03 Incident Log No.: ME030026 (NMED 040140)  
Investigation Date: 5/27/03 Type of Incident: Lost and Recovered RAM  
Type of Investigation: Inspection

File No.: 4  
Licensee: Huhtamaki License No.: General License  
Date of Incident: 3/31/03 Incident Log No.: ME040041 (NMED 040680)  
Investigation Date: 8/30/04 Type of Incident: Lost RAM  
Type of Investigation: Telephone

Comment:  
Program left this event open in NMED until October 2006 since the device was not recovered.

File No.: 5  
Licensee: Bath Iron Works License No.: 23209  
Date of Incident: 11/22/02 Incident Log No.: ME020046 (NMED 021146)  
Investigation Date: 11/23/02 Type of Incident: Equipment Failure  
Type of Investigation: Telephone, Inspection Follow Up

File No.: 6  
Licensee: Maine Medical Center License No.: 05611  
Date of Incident: 5/8/03 Incident Log No.: ME030018 (NMED 030812)  
Investigation Date: 5/9/03 Type of Incident: Medical Event  
Type of Investigation: Telephone, Inspection Follow Up

Maine Final Report  
Incident Casework Review

Page E.2

File No.: 7

Licensee: Maine Medical Center

Date of Incident: 10/29/03

Investigation Date: 10/29/03

License No.: 05611

Incident Log No.: ME030031 (NMED 040145)

Type of Incident: Overexposure

Type of Investigation: Telephone, Inspection Follow Up

ATTACHMENT

December 6, 2006, E-mail from Jay Hyland  
Maine's Response to Draft IMPEP Report

ADAMS: ML063410046

**From:** "Hyland, Jay" <Jay.Hyland@maine.gov>  
**To:** "Duncan White" <ADW@nrc.gov>  
**Date:** 12/06/2006 1:58:25 PM  
**Subject:** Maine IMPEP review

Hi Duncan.

I re-read the draft. Then decided I didn't need as many comments as I had. I guess I was just too picky that day. The only comments follow:  
Thanks for a great job.

Jay

Comments:

Fourth paragraph section 3.1 last sentence reads:

"A fourth request, to be made in the coming months, maybe more successful due to the anticipated cessation of Maine Yankee funding and fees that supports two positions in the Program."

Sounds like Maine Yankee funds the materials program

how about this:

"A fourth request, to be made in the coming months, maybe more successful due to the monetary shortfall in the Radioactive Materials section."

Still section 3.1 top of page 3 reads:

"The Advisory Committee on Radiation of the State of Maine, as constituted under the law, acts only in an advisory role to the Program. Meetings of the committee are infrequent."

Could we change this to:

"The Advisory Committee on Radiation of the State of Maine, as constituted under the law, acts only in an advisory role to the Program. Meetings of the committee are on an as needed basis."