



STATE OF MAINE  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
10 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0010

ANGUS S. KING, JR.  
GOVERNOR

KEVIN W. CONCANNON  
COMMISSIONER

March 8, 2002

TO: Interested Individuals

FROM: Shawn Seeley, Radiation Control Program

SUBJECT: Summary of Rulemaking Comments to the State of Maine Rules Relating to Radiation Protection

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INTRODUCTION

Changes were proposed to the Maine Rules Relating to Radiation Protection (hereinafter "code") between the period January 28, 2002 and February 8, 2002. Typically these suggestions were to improve certain aspects of the code in order to remain compatible with the regulations of the Nuclear Regulatory Commission. The Division of Health Engineering held a hearing on January 28, 2002. The notices for this hearing appeared in newspapers throughout the state on January 9, 2002, and specified a comment period deadline of February 8, 2002.

In addition to Shawn Seeley and Wayne Malloch of the Radiation Control Program, the following individuals attended the public hearing held on January 28, 2002:

- 1: Ms. Elizabeth Quate, RSO – Maine Medical Center, Portland
- 2: Dr. Joseph Blinick, Consultant, Maine Radiation Physics, Portland
- 3: Mr. Chris Mayo, RSO – Pharm-Corp of Maine, Augusta

The following comments were made during the hearing:

- A: Part G.11.A(2): "What is the basis for a semi-annual review of individuals with in the PET arena, when this is similar to a regular nuclear medicine procedure?"

**RESPONSE:** The group concurred and the requirement for semi-annual reviews will be removed. Any required review will be annually.

- B: Part G.13.C: There was a typo discovered. "clent" "should be "client"

**RESPONSE:** The group concurred and the typo will be changed accordingly.



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C: Part J.3: This section may need to be located in (or added to) the definition of "occupational dose" in Part A.

**RESPONSE:** The group discussed this and decided that if the definition of occupational dose could be changed then J.3 would become part of the definition of occupational dose. The definition of occupational dose is a level "A" matter of compatibility with the NRC. Essentially this means the State must adopt the definition verbatim and not make any changes to it. Therefore the rule will stand as proposed.

D: Part G.100.A: This section needs to be reworded.

**RESPONSE:** The group concurred and the section will be reworded to reflect the current verbiage in 10 CFR Part 35.100.

In addition to the comments received during the public hearing, the following individuals also submitted written comments:

- 1: Mr. Duncan White, Regional Agreement State Officer, USNRC, King of Prussia, PA
- 2: Office of State and Tribal Programs, USNRC, Rockville, MD
- 3: Dr. Larry Alquist, RSO, Eastern Maine Medical Center, Bangor

The following comments were submitted:

## PART C

1: Part C.8.F.4(f) does not include the requirement to transfer records important to decommissioning to the new licensee.

**RESPONSE:** We concur and the necessary section has been included. The rule now meets compatibility requirements set forth by the USNRC.

2: Part C.11.I omits several labeling requirements as found in 10 CFR 32.72.

**RESPONSE:** We concur and the necessary labeling requirements have been included. The rule now meets compatibility requirements set forth by the USNRC.

- 3: Part C.5 omits the requirements that sites that are inactive for 24 months must be decommissioned and that decommissioning be completed within 24 months of submission of a decommissioning plan unless good cause is shown.

**RESPONSE:** We concur and the necessary requirements, as stated above, have been included. The rule now meets compatibility requirements set forth by the USNRC.

## PART D

- 1: Part D.2 omitted the definition of respiratory protection device.

**RESPONSE:** We concur and the definition has been added. The rule now meets compatibility requirements set forth by the USNRC.

- 2: Part D.13 uses the term “dose” instead of “dose equivalent” four times in this section.

**RESPONSE:** We concur and the term “dose” has been changed to “dose equivalent”. The rule now meets compatibility requirements set forth by the USNRC.

- 3: Part D.23.B omitted that the licensee may consider safety factors other than radiological factors.

**RESPONSE:** We concur and the necessary requirements, as stated above, have been included. The rule now meets compatibility requirements set forth by the USNRC.

- 4: Part D.38 was not amended by the State of Maine.

**RESPONSE:** It is our opinion that State of Maine Part D.38 is equivalent to 10 CFR 20.2006, so therefore no changes were made.

- 5: Part D.40.D. used the term “eye dose” instead of “lens dose”.

**RESPONSE:** We concur and the term “eye dose” has been replaced with “lens dose”. The rule now meets compatibility requirements set forth by the USNRC.

- 6: Part D. Appendix D omitted that the requirement for “maintenance of records, reports and transfers”.

**RESPONSE:** We concur and the necessary requirement has been included. The rule now meets compatibility requirements set forth by the USNRC.

## PART E

1: Part E.5.D.5 needs to delete the phrase “other than “J” tubes”.

**RESPONSE:** We concur and the above-mentioned phrase has been removed. The rule now meets compatibility requirements set forth by the USNRC.

2: Part E.16.D needs to add the requirement to provide instruction or training to radiographic personnel on (1) copies of the regulations, license and license’s procedures and (2) use of the licensee’s equipment.

**RESPONSE:** We concur and the above-mentioned requirements have been added. The rule now meets compatibility requirements set forth by the USNRC.

3: Part E.23/26 need to include the requirements for a description including the make, model, and serial number of the radiographic exposure device, transport, or container in which a sealed source is located.

**RESPONSE:** We concur and the above-mentioned requirements have been added. The rule now meets compatibility requirements set forth by the USNRC.

## PART G

1: Part G needs to include the requirement for instruments to measure dosages of alpha or beta emitting radionuclides as found in 10 CFR Part 35.52.

**RESPONSE:** We concur and the above-mentioned requirements have been added. The rule now meets compatibility requirements set forth by the USNRC.

2: Parts G.100, 200, and 300 needs to specifically limit from whom unsealed byproduct material may be obtained for medical use.

**RESPONSE:** We concur and the above-mentioned requirements have been added. The rule now meets compatibility requirements set forth by the USNRC.

3: Parts G. 300 needs to replace “imaging and localization” with “therapeutic administration”.

**RESPONSE:** We concur and “imaging and localization” has been replaced with “therapeutic administration”. The rule now meets compatibility requirements set forth by the USNRC.

## PART J

1: Part J.3 needs to include the changes found in 10 CFR 19.12.

**RESPONSE:** We concur and the necessary requirements have been added. The rule now meets compatibility requirements set forth by the USNRC.

## PART K

1: Part K.2: need to change the effective date from April 28, 200 to May 17, 2000.

**RESPONSE:** We concur and the date has been changed accordingly. The rule now meets compatibility requirements set forth by the USNRC.

## PART L

1: There were a number of sections, which were omitted from the State's regulations.

**RESPONSE:** We concur and the Part has been changed to reflect incorporation by reference. The rule now meets compatibility requirements set forth by the USNRC.

**Note:** There were no comments received regarding the changes to Part N. Therefore they will go into effect as proposed.

If you have any further questions, please do not hesitate to contact the Radiation Control Program at 287-5676. Thank you for your interest and comments to the proposed Maine regulations.